

Appl. No. 10/527,416
Amdt. dated July 6, 2009
Reply to Office action of Apr. 09, 2009

REMARKS

Based upon the amendments set forth herein, Applicants urge that the claims now pending in the application are not obvious under the provisions of 35 USC § 103. Accordingly, all claims are now believed to be in condition for allowance.

If the Examiner contends that there are any remaining unresolved issues in any of the pending claims, the Examiner is urged to telephone George Wolken, Jr., Esq. at 408-567-0340 so that appropriate arrangements can be made to resolve any remaining issues as expeditiously as possible.

Claim Amendments

Claims 1-2 and 5-10 are presently in the application.

Rejections under 35 USC § 103

Claims 1-3 and 5-10 stand rejected under 35 USC § 103(a) as being unpatentable over Bodor (4,396,639) in view of Wanders (GB 1,139,550) and further in view of Young and Berger for reasons of record.

The Applicants have currently cancelled claim 3 and incorporated some of the claim elements into currently amended claim 1.

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Reference to paragraph numbers or line numbers for the present invention will be based on the USPTO Published Application 2006/0062887 A1 published on March 23, 2006.

In the invention of the present application, medium-chain triglycerides are used as the liquid-state fat and oil of component (a). In contrast, in the Bodor patent (US 4396639) coconut oil, hydrogenated palm oil, babassu oil, and the like are used as the liquid-state fat and oil. The Examiner states that fat and oil of interesterified coconut is used in British Patent No. 1139550, and that it is known from the Young reference that fatty acids with 8 to 10 carbon atoms are present in coconut oil and palm kernel oil. In light of this, Applicants have amended the claims such that the liquid-state fat and oil of component (a) is a mixture of triglycerides having fatty acids with 8 to 10 carbon atoms bound to the 1-, 2- and 3- positions. It is obvious from the Young reference that coconut oil contains 15% or less of fatty acids having 8 to 10 carbon atoms. However, it is publicly known that coconut oil contains very little medium-chain fatty acid triglycerides. Therefore, it is clear that the Young reference does not disclose triglycerides having fatty acids with 8 to 10 carbon atoms bound to the 1-, 2-, and 3- positions as used in the present application, nor are such triglycerides disclosed or suggested in the '639 or '550 references.

Applicants have further amended claims 1 and 7 to describe the palm based fat and oils used in the

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formulation of component (b). These amendments are supported by the specification and can be found in paragraph [0034] of the published application (US 2006/0062887 A1).

The invention of the present application can provide a fat and oil composition for spreads having satisfactory spreadability and not become too firm when refrigerated due to the combination of component (a), component (b) and component (c) as specified in the claims. Thus, the invention of the present application can achieve the advantageous effects by using triglycerides having fatty acids with 8 to 10 carbon atoms bound to the 1-, 2-, 3- positions, not disclosed in any of the '639, '550 and Young references in combination with component (b) and component (c). Thus, the present invention is not disclosed or rendered obvious by the prior art references, singly or in combination.

Conclusion

In light of the foregoing, it is urged that the rejection be withdrawn and the application passed to issue.

Respectfully submitted,

July 6, 2009



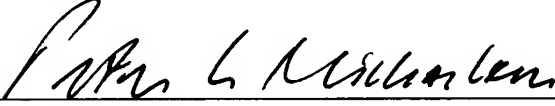
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